

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT,

v.

FRANK D. LANTERMAN
REGIONAL CENTER,

Service Agency.

OAH Case No. 2013020282

DECISION

Daniel Juárez, Administrative Law Judge, Office of Administrative Hearings, heard this matter on March 5, 2013, in Los Angeles, California.

Claimant represented himself.¹

Marc Baca, Appeals Coordinator, represented the Frank D. Lanterman Regional Center (Service Agency).

The parties submitted the matter for decision on March 5, 2013.

STATEMENT OF THE CASE

Claimant appeals the Service Agency's proposal to transfer his case to another regional center. The Service Agency proposes to transfer Claimant's case because he resides in the geographic catchment area of another regional center. Claimant wishes to remain a client of the Service Agency.

¹ Party designation is used to identify Claimant to preserve his privacy.

FACTUAL FINDINGS

1. Claimant is an adult male with mild mental retardation and bipolar disorder, manic, severe type with psychosis.

2. The Service Agency proposed to transfer Claimant's case to the Eastern Los Angeles Regional Center (ELARC) because he resides in a group home within ELARC's catchment area. Claimant objected and the Service Agency served Claimant with a Notice of Proposed Action, dated December 3, 2012. In its letter to Claimant attached to the notice, the Service Agency cited to Welfare and Institutions Code sections 4620, subdivision (a), and 4640, subdivision (a), as support for its proposed transfer. Claimant filed a request for an administrative hearing on January 3, 2013.

3. Claimant did not choose his current residence; it was the result of court action and the Service Agency's search for an appropriate home to meet his needs. In June 2010, the criminal courts convicted Respondent of violating Penal Code section 243, subdivision (d) (battery with serious bodily injury). The court suspended imposition of sentence and placed Respondent on formal probation for three years. The court ordered Claimant to complete a residential program at the Sylmar Health and Rehabilitation Program (Sylmar), a locked mental health facility.

4. Claimant successfully completed the Sylmar program and in November 2011, he moved to Davenrich Home, a group home specializing in forensic issues in Santa Fe Springs, California. Placement at this group home was pursuant to a Welfare and Institutions Code section 6500 proceeding (the civil commitment of persons who are dangerous to themselves or others). Santa Fe Springs is located outside of the Service Agency's catchment area and within ELARC's catchment area. The Service Agency identified Davenrich Home as an appropriate residential placement for Claimant after searching its own geographic catchment area for living options and finding none. Claimant's current placement has the resources to meet his specialized residential needs.

5(a). Claimant likes the group home and gets along well with the home's staff. He eventually wants to find housing within the Service Agency's catchment area. Claimant understands that his group home is outside of the Service Agency's catchment area. He argued that he should remain a Service Agency client for the following reasons.

5(b). First, Claimant has a very good working relationship with his current service coordinator. She knows his needs and understands his history. Claimant does not want to begin with a new regional center and a new service coordinator. Before being assigned to his current service coordinator, Claimant had four different service coordinators within 18 months and found those changes difficult. Remaining a Service Agency client does not guarantee that Claimant's current service coordinator will not change in the future.

5(c). Second, Claimant is very comfortable with his current services and the persons who provide them. He does not want to risk that a change in regional centers would change

his service providers. Other than his group home placement, if Claimant is transferred to ELARC, his other services could change, depending on the results of any new individual program plan that ELARC, the receiving regional center, would convene. (Welf. & Inst. Code, § 4643.5, subd. (c).)

5(d). Third, Claimant fears the changes that might come from the proposed transfer will affect him emotionally because he is uncomfortable with change. He also worries that such a transfer might affect the timely provision of his services.

6. If the proposed transfer occurs, the money that funds Claimant's current services follows Claimant to the receiving regional center through the end of the fiscal year (June).

7. Melinda Sullivan, the Service Agency's Associate Director of Client Services testified and explained that a defined geographic catchment area for each regional center serves the interests of clients like Claimant. Sullivan explained that by having a defined area, regional center staff develop a specialized and specific knowledge of the services available within their defined area. In this way, Sullivan believes clients receive better case management services, including the provision of services that are local, when possible, and meet each client's needs. According to Sullivan, the Service Agency struggles with residential services within its catchment area. The Service Agency did not intend to place Claimant outside of the Service Agency's catchment area, but Claimant's group home was identified based on his specialized needs.

LEGAL CONCLUSIONS

1. Welfare and Institutions Code section 4620, subdivision (a), states in part, "In order for the state to carry out many of its responsibilities . . . the state shall contract with appropriate agencies to provide fixed points of contact in the community for persons with developmental disabilities and their families, to the end that these persons may have access to the services and supports best suited to them throughout their lifetime."

2. Welfare and Institutions Code section 4640, subdivision (a), states in part, "Contracts between the [D]epartment [of Developmental Services] and regional centers shall specify the service area and the categories of persons that regional centers shall be expected to serve and the services and supports to be provided."

3. The Legislature expects each regional center to have a specified service area. (Welf. & Inst. Code, § 4640, subd. (a).) It is reasonable and appropriate for each regional center to have a designated geographic service area and for each regional center's staff to develop a specialized knowledge of the supports and services available within the specific catchment area. (Welf. & Inst. Code, § 4620, subd. (a).) Furthermore, it is reasonable and cost-effective (promoting a numerically defined case load for each regional center) to have

each regional center responsible solely for clients who reside within a regional center's defined catchment area.

4. Claimant's reasons for opposing the Service Agency's proposed transfer were understandable but unpersuasive. Remaining a Service Agency client does not guarantee that his current services will not change. Similarly, the Service Agency cannot guarantee that his current service coordinator will not change, particularly in light of Claimant experiencing four different service coordinators over the 18 months before the current coordinator's start. The transfer is appropriate. The Service Agency and ELARC should work together to ensure an uneventful transfer, taking into account Claimant's difficulty with change.

5. Cause exists to deny Claimant's appeal, as set forth in Factual Findings 1-7, and Legal Conclusions 1-4.

ORDER

Claimant's appeal is denied.

Dated: March 19, 2013

DANIEL JUAREZ
Administrative Law Judge
Office of Administrative Hearings

NOTICE

This is the final administrative Decision. This Decision binds both parties. Either party may appeal this Decision to a court of competent jurisdiction within 90 days.